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10 IN THE UNITED STATES DISTRICT COURT  
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
12 SAN JOSE DIVISION

13  
14 **MICHAEL V. NICKERSON,**

15 Plaintiff,

16 v.

17 **RON BROOMFIELD, et al.,**

18 Defendants.

5:20-cv-06326-EJD (PR)

**DEFENDANTS' ADMINISTRATIVE  
MOTION AND MOTION TO CHANGE  
TIME TO FILE A DISPOSITIVE  
MOTION**

Judge: The Honorable Edward J. Davila  
Trial Date: Not Set  
19 Action Filed: September 9, 2020

20 TO PLAINTIFF MICHAEL V. NICKERSON IN PRO SE:

21 PLEASE TAKE NOTICE that under Northern District Local Rules 6-3 and 7-11,  
22 Defendants Allison, Broomfield, and Clark move the Court to change the time to file their  
23 dispositive motion. Currently, Defendants must file their comprehensive dispositive motion by  
24 November 9, 2021. (ECF No. 10 at 4.) Defendants respectfully request an extension of 76 days  
25 to file a dispositive motion.

26 As explained in the supporting declaration of Zewugeberhan Desta, defense counsel needs  
27 additional time to conduct discovery, confer with Defendants and potential inmate and staff  
28

1 witnesses who are familiar with Nickerson's claim and obtain declarations, request additional  
2 documents from the prison, and prepare and file a motion for summary judgment. (Desta Decl.  
3 ¶¶ 5-6.)

4 This is Defendants' first request to change the deadline for filing a motion for summary  
5 judgment or other dispositive motion. (*Id.* ¶ 7.) An extension of the dispositive-motion deadline  
6 will not affect any other deadline set by the Court in this matter. (*Id.*)

7 For these reasons, Defendants respectfully request an extension of 76 days to file a  
8 dispositive motion, up to January 24, 2022.

9  
10 Dated: November 5, 2021

Respectfully submitted,

11 ROB BONTA  
12 Attorney General of California  
13 JEFFREY T. FISHER  
14 Supervising Deputy Attorney General

15 /s/ Zewugeberhan Desta  
16 ZEWUGEBERHAN DESTA  
17 Deputy Attorney General  
18 *Attorneys for Defendants*

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## CERTIFICATE OF SERVICE

Case Name: **M. Nickerson (F77522) v.  
Broomfield, et al.**

No. **5:20-cv-06326-EJD (PR)**

I hereby certify that on November 5, 2021, I electronically filed the following documents with the Clerk of the Court by using the CM/ECF system:

**DEFENDANTS' ADMINISTRATIVE MOTION AND MOTION TO CHANGE TIME TO  
FILE A DISPOSITIVE MOTION**

Participants in the case who are registered CM/ECF users will be served by the CM/ECF system.

I am employed in the Office of the Attorney General, which is the office of a member of the California State Bar at which member's direction this service is made. I am 18 years of age or older and not a party to this matter. I am familiar with the business practice at the Office of the Attorney General for collection and processing of correspondence for mailing with the United States Postal Service. In accordance with that practice, correspondence placed in the internal mail collection system at the Office of the Attorney General is deposited with the United States Postal Service with postage thereon fully prepaid that same day in the ordinary course of business.

I further certify that some of the participants in the case are not registered CM/ECF users. On November 5, 2021, I have caused to be mailed in the Office of the Attorney General's internal mail system, the foregoing document(s) by First-Class Mail, postage prepaid, or have dispatched it to a third party commercial carrier for delivery within three (3) calendar days to the following non-CM/ECF participants:

Michael Vaugh Nickerson  
F-77522  
San Quentin State Prison  
San Quentin, CA 94964  
In Pro Per

I declare under penalty of perjury under the laws of the State of California and the United States of America the foregoing is true and correct and that this declaration was executed on November 5, 2021, at Los Angeles, California.

D. Salao  
Declarant



Signature